

ARTICLE 25

FOREIGN SERVICE SELECTION BOARDS

STATEMENT OF PURPOSE

- 25.1 The Foreign Service Performance Precepts, established in accordance with the FS Act, provide the rules of conduct that a Foreign Agricultural Service (FAS) Foreign Service Selection Board must follow and serve as guidelines to:
- a. rank order all career members and career candidates based on their relative merit;
 - b. determine those career members and career candidates qualified for promotion, meritorious service within-class increases, within-class increases, performance pay, and SFS re-certification;
 - c. identify career members and career candidates subject to low ranking and selection out for noncompetitive or unsatisfactory performance; and
 - d. offer or renew limited career extensions.
- 25.2 These precepts are policy statements describing desirable performance by career members and career candidates of the Foreign Service. As a result, all Foreign Service career members and candidates should use these precepts as guidelines for the performance of their duties and the development of their careers.
- 25.3 If the Administrator/FAS chooses to extend the provisions of this Article to employees serving on limited non-career appointments to the Foreign Service, these employees will be reviewed with all Foreign Service employees.

ELIGIBILITY REQUIREMENTS FOR SELECTION BOARD COMPETITION

- 25.4 Senior Selection Board
- a. Senior Foreign Service (SFS) career members are eligible for Senior Selection Board competition.
 - b. Class 1 Foreign Service career members are eligible for Senior Selection Board competition. All career members in Class 1 and above are eligible for promotion except those career members who have not served as a "Head of Post" or "Director of an Agricultural Trade Office" and as a supervisor or management official in FAS/Washington. Any Class 1 career member who has not made application to the Senior Foreign Service will be withdrawn from promotion consideration after the Board has completed the rank

ordering. (See Special Directives, Appendix E of this Article).

- 25.5 Intermediate Selection Board: All career members and career candidates in Classes 4 through 2 and Foreign Service Administrative Assistants are eligible for Intermediate Selection Board competition.
- 25.6 Re-certification: SFS career members who have been continuously employed in the SFS for 156 weeks preceding the end of the Foreign Service performance cycle will be reviewed for re-certification. The career member's performance during the last three years prior to evaluation by the Board will be reviewed. These three years include the year in which the Board convenes. (See Special Directives, Appendix D of this Article for specific instructions on re-certification.)
- 25.7 Limited Career Extension: SFS career members in the classes of Career Minister, Minister Counselor, and Counselor whose maximum time-in-class will expire after the date on which the Board meets but before the next Board convenes, are eligible for consideration for a Limited Career Extension (LCE) and will be reviewed by Panel A of the Senior Selection Board. Career officers at the FO-1 level whose TIC/TIS expiration occurs between Board meetings are also eligible for such consideration and will be reviewed by Panel B of the Senior Selection Board.
- 25.8 Pay Level Adjustments: SFS career members who have served at their present salary for one complete performance cycle and received a "Satisfactory" rating are eligible for pay level adjustments provided they have received their three year re-certification (if applicable).
- 25.9 Performance Pay: At the end of the most recent rating period, SFS career members are eligible to compete for performance pay. Performance pay is discussed in further detail in Appendix B of this Article.
- 25.10 Credit for Equivalent Service: In determining eligibility for Selection Board review, career members and career candidates will receive credit for previous time spent in an equivalent GS grade.
- 25.11 Non-consideration: A Board will not consider career members and career candidates who, at the time the Board convenes, are pending separation. The performance folders of career members and career candidates who retire, resign, or separate while the Board is in session will be withdrawn from consideration.

BOARD COMPOSITION AND COVERAGE

25.12 The composition of the Selection Boards will reflect the gender, ethnic, and cultural diversity of the Agency workforce. The chairperson of each Board panel will preside over the work of each panel and will ensure that the panels carry out their tasks in accordance with the General and Special Directives (Article 25.19-25.56 and the Appendices to Article 25, respectively).

25.13 Senior Selection Board

a. Composition

1. The Senior Selection Board will be composed of two panels - Panel A and Panel B - with five members each.
 2. Panel A will consist of the following members:
 - (a) A USDA senior official who will serve as chairperson;
 - (b) Two (2) USDA Senior Executive Service (SES) members;
 - (c) An SFS career member from another Foreign Affairs Agency; and,
 - (d) A public member.
 3. Panel B will consist of the following members:
 - (a) An FAS SFS career member who will serve as chairperson;
 - (b) An FAS SFS career member;
 - (c) An FAS SES member or SFS career member;
 - (d) An SFS career member from another Foreign Affairs Agency; and,
 - (e) A public member.
- b. Coverage: The Senior Selection Board panels will review career members of the Foreign Service as follows:
1. Panel A will review the performance folders of:
 - (a) All eligible SFS career members by class. The panel will rank order each career member, by class, for promotion to the next authorized

class.

- (b) All eligible SFS career members as one competitive group. The panel will rank order each career member for performance pay and identify from the rank ordered list those career members who should be recommended for Presidential Rank Awards (for Distinguished or for Meritorious Service), and those career members who should be recommended for performance awards (see Appendix B of this Article for the Special Directive on Performance Pay).
 - (c) All SFS career members eligible for an LCE.
 - (d) All applicable SFS career members for re-certification, as required by the Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989).
 - (e) All applicable SFS career members for pay level adjustments as required by the FS Act.
2. Panel B will review the performance folders of:
- (a) All eligible career members in Class 1 for promotion into the SFS to the Class of Counselor.
 - (b) All Class 1 career members eligible for an LCE.
3. The rank-ordered lists developed by Panels A and B will be used to determine actions specified in (1) and (2) above, as well as those actions specified in the General and Special Directives.

25.14 Intermediate Selection Board

- a. Composition: The Intermediate Selection Board will be composed of three panels, C, D, and E, with five members each. These panels will consist of the following members:
 - 1. An FAS SFS career member who will serve as chairperson;
 - 2. An FAS career member in Class 1 or above;
 - 3. An FAS career member or career Civil Service employee in Class 1 or Grade 15 or above;
 - 4. A career member in Class 1 or above from another Foreign Affairs Agency;

and,

5. A public member.
 - b. Coverage: Panels C, D, and E will review the performance files of all eligible individuals as indicated, and rank order each career member, career candidate, and administrative assistant for actions specified in the General and Special Directives.
 1. Panel C - all eligible Class 2 career members;
 2. Panel D - all eligible Class 3 career members and career candidates; and
 3. Panel E - all eligible Class 4 career members, career candidates, and all administrative assistants.
- 25.15 Lists provided to the Boards: The Boards will be given a list of career members and career candidates and a list of Administrative Assistants to rank order for all the purposes to which this article refers.
- 25.16 The SPO will publicly invite all eligible FAS Foreign Service Officers to apply to serve on Selection Boards, but may select Board members from any appropriate source. The SPO will provide AFSA a list of recommended Board members for review. AFSA will have two business days to provide comment before the list is announced.
- 25.17 An individual may not serve on the same panel nor on a panel one level up in consecutive years, unless there are no other qualified individuals available to serve. For example, an individual who serves on Panel B one year, may not serve on Panel B or Panel A the following year, if there are other qualified individuals available to serve.
- 25.18 Oath of Office: Board members will sign and heed the following oath of office and adhere to the Precepts. Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members should report to the SPO any attempt to provide them information not authorized by the Precepts.

"I, _____, do solemnly swear or affirm that I will, without prejudice or partiality, perform faithfully and to the best of my ability the duties of a member of a Selection Board; that I will preserve the confidential character of the personnel records used by the Board; that I will adhere to the Precepts; and that I will not reveal to unauthorized persons any information concerning the personnel records used or the deliberations and recommendations of the Board."

GENERAL DIRECTIVES: The Intermediate and Senior Selection Boards (hereinafter referred to as “the Boards”) are regulated by the General Directives listed below.

25.19 The major responsibilities of the Boards are:

- a. To identify individuals who, by their demonstrated performance and evidence of potential for higher levels of responsibility, merit recommendation for promotion, performance awards and SFS pay level adjustments.
- b. To identify individuals who, on the basis of performance and growth potential, are least competitive within their class.
- c. To identify from among those whom the Boards have low-ranked any individuals who have not maintained the standards of performance for their class (see Article 25.38).
- d. To identify individuals whose performance during the last performance appraisal period warrants denial of their next within-class salary increase (see Article 25.35)
- e. To make recommendations for the improvement of agency policies and procedures for performance appraisals and Selection Board operations.

FOREIGN SERVICE PERFORMANCE EVALUATION

25.20 When determining an individual's qualifications for performance recognition, the Boards will look at the rated individual's accomplishment statement, the supervisor's (rating official's) assessment, the reviewing official's comments and other appropriate material contained in an individual's official performance folder. Prior to convening, Board members will be briefed by the Servicing Personnel Office (SPO) to ensure all members are familiar with FAS Foreign Service performance evaluation procedures and precepts. AFSA representatives will be invited to attend the general briefing of all Board members.

25.21 Composition of the Evaluation: FS performance evaluation procedures were changed starting with the 1995/96 evaluation review period.

- a. Since 1996, a performance evaluation consists of:
 - 1. A one page accomplishment statement from the rated individual;
 - 2. A one page supervisory assessment, called the Rating Official's Assessment, of the individual's capabilities as indicated by his/her performance during the rating year;

3. The rated individual's response to the rating official's assessment;
4. Comments from the reviewing official attesting to the rating official's assessment;
5. The rated individual's assignment letter and/or performance standards and elements, as appropriate; and
6. For the Senior Officer at Post, a Chief of Mission's (COM) evaluation. The COM evaluation will be no more than two pages in length and will consist of comments regarding work performance in two areas of responsibility: 1) Post Program and Resource Management; and 2) Policy Coordination and Representation.

25.22 Career Candidates: Regardless of the date of lateral entry, an individual's first performance evaluation as an FS career candidate will cover the period October 1 through March 31 of the following year. It will be submitted using the CS evaluation format for review by the next FS Selection Board. A career candidate's second performance evaluation will cover an entire FS evaluation period (April 1-March 31). It will be submitted using the FS evaluation format, regardless of the actual date of lateral entry. Thus, regardless of a candidate's actual lateral entry date, the first two appraisals submitted to FS Selection Boards by an individual will be, for example:

	<u>Appraisal Period</u>	<u>Appraisal Format</u>	<u>Board Date</u>
1 st	10/01/02 - 03/31/03	Civil Service	September '03
2 nd	04/01/03 - 03/31/04	Foreign Service	September '04

- a. To ensure that all career candidates are treated equally, no individual will be lateraled into the Foreign Service between the date a Selection Board convenes and December 31 of the same year, unless Management determines that a candidate must be converted to expedite a foreign assignment determined necessary to the Agency's mission. In such cases, AFSA will be informed of the agency need requiring the emergency assignment.
- b. Either Party may open any section of Article 25 pertaining to career candidate performance evaluations if either CS or FS evaluation dates change or if other changes occur which significantly impact evaluations of recently appointed career candidates.

25.23 Multiple Positions: If an individual has held more than one position during a rating cycle, each position being under a performance plan for at least 90 days, the individual is entitled to complete only one accomplishment statement covering all of

the positions held.

- 25.24 Multiple Supervisors: If an individual's supervisor changes after the individual has been under a performance plan for at least 90 days, the departing supervisor must complete an interim supervisory assessment of the individual's performance during the rating period and, if possible, provide this assessment directly to the new supervisor. The rated individual should receive a copy. At the end of the performance review period, the new supervisor's assessment of the individual's performance will cover the entire review period and include comments from the previous supervisor's interim assessment. Thus, a rated individual will receive only one supervisory assessment for a performance review period.
- 25.25 Rating Official's Comments: Supervisors should provide both an overall assessment of the rated individual's capabilities as well as specific comments, as appropriate, about the individual's performance in each of the following general competency areas:
- a. Communications - Precision, clarity, and force of oral and written expression; use of foreign language in working situations; skill in communicating with a variety of audiences, particularly in cross-cultural contexts.
 - b. Management and Supervision - Ability to organize and utilize his/her own time and that of subordinates; effective supervision of work units and/or programs and policies; skill in establishing work goals and successfully accomplishing established goals or, if warranted, modifying goals; skill in maintaining work morale and productivity.
 - c. Leadership - Ability to define policy and program directions and get peers and superiors to buy into those directions; personal credibility with other elements of the U.S. government, industry, and foreign governments.
 - d. Initiative - Ability to identify emerging and/or potential issues which could impact U.S. agriculture and provide succinct background and suggest action plans to address these issues. Persistence and creativity in accomplishing non-routine activities which significantly contribute to the Agency's mission.
 - e. Technical - Command of agricultural trade principles and application of international trade rules and U.S. trade law; skill in applied economic analysis; skill in effectively using current communications technology and the full range of available software applications relevant to the individual's current assignment.

NOTE: Management reserves the right to add, modify or delete from these competencies

based on Agency needs, in consultation with AFSA. Further, management acknowledges its obligation to notify and, if requested, to bargain over the procedures and arrangements to mitigate any adverse effect such changes may bring about prior to implementation in accordance with Article 11.

25.26 Performance Plans

- a. Domestic Assignments: Individuals serving in Washington, D.C. or other domestic assignments will have elements and standards specific to the assignment/position.
- b. Foreign Assignments: Individuals serving abroad, including ATO Miami, will receive their performance plans in their assignment letters. In general, each letter will be signed by the employee prior to departure for post and will identify general job responsibilities and expectations and the length of the assignment. Performance elements specified in the assignment letter will be included in each individual's performance appraisal. These are (in alphabetical order) as follows:
 1. Agricultural and Market Intelligence: Preparation and dissemination to appropriate audiences of detailed information on which the U.S. Government can make sound trade and promotional policy decisions, and which U.S. private export interests can use in their business planning.
 2. Agricultural Trade Promotion: Management and oversight regarding public sector activities, including credit and credit guarantee programs, economic development and market promotion programs.
 3. Diplomacy: Development and maintenance of close working relations with public and private sector officials in the region for which the career member or career candidate is responsible, in order to enable them to accomplish the promotional, market access, and intelligence functions of their position in an efficient and timely manner.
 4. Equal Opportunity/Civil Rights: Annual performance plans are developed, implemented, and modified to ensure full compliance with the Government Performance and Results Act (GPRA), the Secretary's Civil Rights Implementation Team (CRIT) report, and applicable policies and regulations; planning, evaluation, and tracking systems for performance indicators are developed and maintained that successfully ensure accountability for actions and activities that are defined in annual performance plans, including CRIT; and quarterly performance reports which account for measurement of goals

and objectives are submitted to immediate supervisor and reviewing official to comply with legislative requirements of GPRA and CRIT, and applicable policies and regulations.

5. Management and Supervision: Effective utilization of program and staff resources, giving due attention to the need for internal controls, applicable U.S. and foreign laws and regulations, and departmental and FAS management policies.
 6. Market Access: Identification of tariff and non-tariff barriers to U.S. agricultural exports, active participation in measures leading to their reduction and eventual removal, and active monitoring of compliance with bilateral and multilateral trade agreements.
- c. The following performance elements (in alphabetical order) shall be the basis for the evaluation of Foreign Service Administrative Assistants:
1. Administrative Support: Prepare management reports; handle routine interactions with various embassy sections and, as required, with outside service personnel, contractors and vendors.
 2. Confidential Assistant to the Ranking Agricultural Officer: Maintain the officer's schedule and handle travel arrangements; provide typing and other communications support for the officer and, as needed, other staff members; perform other tasks related to managing staff schedules and the office work flow.
 3. Equal Opportunity/Civil Rights: Perform all duties in a manner which consistently demonstrates fairness, cooperation, and respect toward co-workers, office visitors and all others in the performance of official business. Demonstrate awareness of EO/CR policies and responsibilities.
 4. Office Management: Manage controlled correspondence, cables, and electronic messages; maintain the office filing and communications systems; document and, as necessary, revise office procedures in consultation with the office head; keep necessary logs and record systems; provide direction and training for other support staff, as required.
 5. Program Activities: If required, assist with or, with minimal supervision, manage specific activities or programs in areas, such as marketing, trade policy, food aid, technical assistance and budget.

NOTE: Management reserves the right to add, modify or delete from these performance

elements and standards based on Agency needs, in consultation with AFSA. Further, management acknowledges its obligation to notify and, if requested, to bargain over the procedures and arrangements to mitigate any adverse effect such changes may bring about prior to implementation in accordance with Article 11.

BOARD CONSIDERATIONS

25.27 Equality of Consideration

- a. The Boards will compare all individuals solely on merit with absolute fairness and justice. In particular, the Boards will not disadvantage any individual, directly or indirectly, for reasons of race, color, religion, sex, age, national origin, marital status, sexual orientation, disabling condition, or other non-merit factors.
- b. The Boards will not consider any inadmissible comments discovered in an individual's performance appraisal or in other evaluation materials, such as training reports or letters of commendation (see Appendix F of this Article).
- c. To assure equity of consideration, the following guidance is provided to the Boards:
 1. Seniority in Class: The length of time an individual has been in the same or comparable class should be a neutral factor in recommending promotion. It is the quality of experience that should be thoroughly considered.
 2. Details to Outside Organizations: To advance its mission goals and broaden an individual's experience, the Agency may approve details to private institutions and other agencies and departments. Such assignments should be considered the same as assignments to positions within the Agency.
 3. Training: The selection of an individual for training represents an investment in the future of the Foreign Service and constitutes an endorsement of the individual's potential for development. The Boards also should be aware that all individuals assigned to long-term training, particularly senior executive training, are selected on a competitive basis. Therefore, Boards should ensure that individuals in extended training are given the same consideration as individuals elsewhere. In addition, independent efforts at academic, cultural, and professional self-improvement, particularly when undertaken on an individual's own time, should be given due consideration when there is a direct and documented relationship to the Agency's mission.
 4. Short-Term Assignments: Performance effectiveness during short-term and

long-term assignments must be evaluated on the same basis. The Boards should not penalize an individual for holding a series of short-term assignments during a review period. Supervisory assessments for multiple assignments during a single review period should be incorporated into the final rating official's assessment, if requested by the employee.

5. **Hardship Assignments:** Service in hardship assignments can demonstrate a dedicated and disciplined attitude toward the Service. The Board should give due recognition to those who have successfully coped with difficult and sometimes dangerous environments and who have used such experience to enhance their contribution to the Service and to develop their own performance potential. The Board should understand, however, that the needs of the Agency and career paths may not permit all individuals to serve in hardship assignments.
6. **Foreign Language Qualification Requirement:** Career candidates may receive only one promotion prior to achieving proficiency in a foreign language. If a candidate is recommended for another promotion by a subsequent Board, the promotion cannot be effected until the career candidate has achieved proficiency in a foreign language. If the career candidate has not achieved proficiency prior to the convening of the next Board, the candidate must re-compete for promotion.

25.28 **Leave Without Pay (LWOP):** Individuals may be granted LWOP to broaden their skills through academic programs, temporary jobs in the private sector, cultural activities which are relevant to the Agency's mission or for other reasons.

- a. An individual who has been on LWOP for 180 days or longer during a performance review period will be considered non-ratable and will not be reviewed by the Boards for that period, unless the individual so requests. An individual who has been on LWOP for less than 180 days during a performance review period will be considered ratable and will be reviewed by the Boards for that period, unless classified non-ratable for other reasons. If the individual is:
 1. **Non-Ratable:** The SPO will confirm an individual may be non-ratable and the Boards will document the individual's non-ratable status. An individual classified as non-ratable will receive a one (1) year TIC/TIS extension, regardless of the actual time over 180 days the individual was on LWOP during the rating period. In addition, the individual's non-ratable status will be recorded in his/her performance folder.
 2. **Ratable:** An individual who is reviewed by the Boards will not receive a

TIC/TIS extension for any time on LWOP during the rating period.

- b. **Performance Evaluation Qualifications:** An individual on LWOP who has also worked in FAS/W during the rating period may qualify to submit FAS performance evaluation forms. An individual qualifies to use FAS performance evaluation forms, if s/he has worked in FAS/W for 90 days or longer during the rating period. An individual who does not meet the 90 day requirement, cannot use FAS evaluation forms and, therefore, may not submit accomplishments related to work performed in FAS during the period. Instead, the individual's next rating period will be amended to include any time worked (i.e., less than 90 days) but excluded from the individual's last rating period. The purpose of this provision is to ensure that all time worked in FAS/W during a rating period for which no TIC/TIS extension is granted is reviewed by the Boards. If an individual:
 - 1. **Qualifies to Use FAS Evaluation Forms:** In the accomplishments statement, the individual can include accomplishments from work performed while on LWOP and work performed while in pay status. In addition, comments from the individual's LWOP supervisor can be included in the FAS supervisory (Rating Official's) assessment. FAA and the SPO must approve all references to accomplishments related to work performed while on LWOP, to ensure that they are germane to the Agency's mission.
 - 2. **Does Not Qualify to Use FAS Evaluation Forms:** The individual may submit a one page accomplishment statement based on work performed while on LWOP and a one page statement from his/her LWOP supervisor. Both statements must adhere to the rules governing FS performance evaluations (e.g., length, format, etc). FAA and the SPO must approve the statements to ensure that the work described is germane to the Agency's mission.
- c. An individual on LWOP at the time this contract is ratified may choose to be grandfathered under the terms of the previous contract for the entire period of LWOP or to be covered under the terms of this contract for the entire period of LWOP, but may not be covered by both. If the individual chooses to be covered under the terms of this contract and was required to be reviewed by the Boards under the previous contract during the period of LWOP, s/he will be considered as not having been reviewed for the purposes of section 25.28a above.

25.29 Other Factors

- a. FAS encourages and seeks candid and constructive criticism in evaluation

reports. Such criticisms should be weighed carefully by the Boards against the individual's overall performance and efforts to improve previously identified skill deficiencies and should not alone, prevent Boards from recommending an individual for promotion.

- b. Personal issues such as medical problems, or physical or personality characteristics should be considered only to the extent that they have impacted an individual's performance.
- c. All comments about an individual's family, including comments about the participation of a spouse or dependents in diplomatic, social, or community activities are inadmissible and must be ignored by the Boards. (see Appendix F of this Article).
- d. Except in connection with specific charges leading to disciplinary actions or separation from the FS, the Boards should not consider references to alcoholism or drug abuse, or efforts at rehabilitation.
- e. Any reference to low ranking by previous Boards or to administrative action taken to deny an individual a within-class salary increase must be disregarded, except when the individual, in writing, specifically consents to the inclusion of such reference.
- f. If the Board discerns an indication of unfairness in a performance folder for any reason, it will discount the statement or implications and refer the matter to the SPO for correction, as appropriate.
- g. Whenever possible, performance appraisals should be typed. An individual should not be penalized, however, if any part of the appraisal is handwritten.

FOREIGN SERVICE PROMOTIONS

25.30 Basis for Promotion

- a. Promotion is recognition that an individual has the experience and demonstrated capability to perform the duties and responsibilities required at a higher class. It is not a reward for prior service, although the performance of present and past duties usually indicates the degree to which an individual has developed or is developing the qualities needed for successful performance at a higher class. A willingness to risk criticism in order to voice sensible dissent and to engage in constructive advocacy of policy alternatives is particularly relevant, as is performance under unusually difficult and dangerous circumstances. When considering individuals for promotion into

and within the Senior Foreign Service (SFS), the Boards should take special care to give due consideration to demonstrated achievement and competence in the aforementioned areas.

- b. Career members of the SFS occupy the most demanding and sensitive positions within FAS. They are responsible for the formulation, implementation, direction, coordination, and attainment of the foreign agricultural policies of the United States. Therefore, in ranking career members for promotion into or within the SFS, additional emphasis should be placed on the degree of an individual's demonstrated leadership and competence in positions that require the ability to plan, organize, and administer programs; to represent U.S. interests internationally; to administer and allocate resources; and to supervise, motivate, and develop personnel. Individuals who have demonstrated that they are particularly effective supervisors and managers should be credited with higher quality experience in the ranking process.
- c. When considering individuals for promotion to Class 1 and into or within the SFS, the Boards should remember that in creating the SFS, the Government stated in the Foreign Service Act that it intended to establish a Service, "characterized by strong policy formulation capabilities, outstanding leadership qualities, and highly developed functional, foreign language, and area expertise."

29.31 Factors to be Considered

- a. The Boards should consider for promotion those individuals whose records indicate the experience and ability to perform at the higher level at the present time and who have displayed superior long-range potential. This is one of the Boards' most important functions and must be exercised with care and discernment.
- b. The Boards are required to review an individual's most recent five years of service or the period the individual has been in his/her present class, whichever is longer. A Board should not give undue weight to any single performance appraisal, but should note that a Meritorious Service Increase (MSI) awarded by a previous board, especially multiple MSIs awarded in an individual's current class, is an indication that an individual has been previously judged ready for promotion. Each Board should ensure that all individuals ranked promotable have made significant accomplishments while in their current class.
- c. The Boards should identify for promotion those individuals who have

demonstrated superior performance and potential by their ability to meet work goals or requirements. Boards should not penalize those individuals whose records indicate that mitigating circumstances, i.e., circumstances outside the authority delegated to the position, prevented the setting or attainment of goals or work requirements.

- d. The Boards should evaluate the extent and quality of an individual's supervisory and managerial performance, including performance related to special assignments or projects which may or may not entail direct supervision of individuals. Individuals demonstrating a higher degree of supervisory and managerial ability should be credited higher in the ranking process than individuals who do not. Supervisory and managerial skills are particularly important when considering career members for promotion to Class 1, or into or within the SFS.
- e. The Boards should disregard the fact that an individual has occupied a position below their class when evaluating performance.
- f. The Boards should assess an individual's accomplishment statement and the supervisory assessment against position requirements in evaluating and assigning relative performance levels within a class.
- g. The Boards shall consider foreign language proficiencies. Proficiency in a foreign language should be reflected in an individual's accomplishments. In addition, language proficiency, when applicable, should be documented in the supervisory assessment.

25.32 Tied Scores: In the initial ranking, if two or more individuals are tied, Boards shall break the tie using the following procedures:

- a. First Tie Breaker - Assign points giving precedence to individuals who have displayed the greatest overall superior performance as demonstrated by previous MSI awards.
- b. Second Tie Breaker - Assign points giving precedence to individuals who have achieved higher speaking proficiency in one or more foreign languages.
- c. Third Tie Breaker - Use the Board chairperson's score.

25.33 Promotion Recommendations and Opportunities: The Boards will consider individuals for promotion without regard to the number of promotion opportunities that may be available. The number of promotion opportunities in each class will be recommended by the SPO and approved by the Administrator/FAS.

Recommendations shall be based upon a systematic long-term projection of personnel flows and needs designed to provide:

- a. A regular, predictable flow of recruitment into the Foreign Service;
- b. Effective career development patterns to meet the needs of the Foreign Service; and,
- c. A regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service.

25.34 Safeguard Provision

- a. Prior to convening the Boards, the Administrator/FAS will determine the expected number of promotions by class required by the Agency and provide AFSA/FAS with a sealed envelope containing a copy of the memorandum establishing these numbers. Board members will not be informed of the numbers.
- b. At the conclusion of their work, Board Panels will seal their findings in an envelope. As soon as possible thereafter, the Panels' and Management's sealed envelopes will be opened by the Administrator/FAS in the presence of an AFSA/FAS representative. The Administrator will confirm that the Panels have recommended a sufficient number of promotable officers to meet Management's predetermined promotion requirements. If not, AFSA will be immediately informed.
- c. As expeditiously as possible thereafter, Management will announce the actual number of promotions by class as well as MSI recipients and recommendations for promotion into the Senior Foreign Service.
- d. If the actual number of promotions is lower than the predetermined number, Management will provide AFSA/FAS a confidential briefing during which the discrepancy will be explained.
- e. If the Administrator/FAS extends the provisions of this Article to employees serving on limited, non-career appointments to the Foreign Service, the number of promotions by class, established under (a) above will be increased by the number of limited, non-career appointee promotions for each class. In addition, such promotions will not be considered in future FS flow through calculations.

OTHER BOARD FUNCTIONS

25.35 Within-Class Salary Denials

- a. Section 406 of the Act provides for within-class salary increases for eligible individuals in Class 1 and below who have met the standards of performance for their salary class.
- b. Denial of a within-class salary increase for individuals in Class 1 and below is based upon a Board finding that the individual's performance during the review period did not meet the standards required for the efficient conduct of the work of the Foreign Service. Among the reasons for such a finding are:
 - 1. a low rate of productivity;
 - 2. lack of initiative or resourcefulness in carrying out assigned duties;
 - 3. consistent ineptitude or poor judgment;
 - 4. serious weakness in meeting supervisory or managerial responsibilities during the last performance appraisal period;
 - 5. documented finding by FAS of prejudiced or discriminatory conduct; or
 - 6. failure to conform conduct to Foreign Service requirements or to abide by official responsibilities as documented by disciplinary action(s) in the individual's file.
- c. Serious consideration should be given to denial of a within-class salary increase when an individual is low ranked (see section 25.38).
- d. If an individual is recommended for denial of a within-class salary increase, a separate statement of reasons shall be prepared by the Board and furnished to the Associate Administrator/FAS, for determination as to whether the recommendation should be sustained.

25.36 Meritorious Service Within-Class Increase (MSI): Individuals in Class 1 and below will automatically be considered for an MSI if they are recommended for promotion by the Boards but are not promoted.

25.37 Monetary Performance Awards: Individuals not recommended for promotion by the Boards are eligible for monetary awards from the FS performance awards pool. The Boards will identify those individuals not ranked as promotable, who demonstrated

the greatest accomplishments during the most recent annual performance review period and, starting with the highest achieving individuals, create rank-ordered lists, as follows:

- a. For FS employees, excluding Senior Foreign Service Officers and FS Administrative Assistants, the Selection Boards will create a rank-ordered performance awards list for each class, comprised of all individuals not ranked as promotable.
- b. For FS Administrative Assistants, the Selection Boards will consider Administrative Assistants as a single class and create a rank-ordered performance awards list comprised of all Administrative Assistants not ranked as promotable.
- c. Senior Foreign Service Officers are ineligible for cash awards from the FS awards share pool. See Appendix B of this Article for information on Senior Foreign Service performance awards.

25.38 Low Ranking and Selection Out

- a. Low Ranking: The Boards should identify those individuals in each class who are least competitive in terms of performance or potential, including SFS career members recommended for conditional recertification, when applicable. Based on these results, the Boards will select those individuals who should be low-ranked and these individuals will be advised of their standing. When determining low rankings, Boards should be guided by the extent to which placement in the rank-order reflects relative weakness in performance or potential.
- b. Selection Out: All career members are subject to selection out under Section 608 of the FS Act. Selection out is prescribed when a career member or FS Administrative Assistant fails to maintain the standards of performance for his/her class, when compared against the performance of colleagues in the same class.
 1. After completing the low ranking process, the Boards will again review the performance files to identify individuals who may not have met the standards of performance for their class. The file of each individual so identified will be sent to the Performance Standards Board (PSB) along with a statement prepared by the Selection Boards, a copy of which will be sent to the individual. The statement will justify the Boards' referral through a balanced presentation of the individual's strengths and weaknesses, citing examples, and, as appropriate, quoting from performance records. The statement shall

draw on material from more than one rating period within the last five years and, to the extent possible, from more than one rating official and more than one reviewing official.

2. Based on the Boards' referral and statement, the PSB will independently identify individuals to be selected out.

SENIOR SELECTION BOARD

25.39 General Guidance: The Senior Selection Board is responsible for assuring that the records of all individuals under its review are considered fully and fairly. In comparing individuals' relative capabilities, the Board should understand that assignment patterns may vary widely for several reasons. Therefore, the Board should base its judgments on the record of an individual's demonstrated competencies and actual accomplishments and not on the position description or title. The Board should not penalize an individual who may have completed less traditional assignments. Rather, the Board should thoroughly consider the full record of an individual's performance and not give undue weight to any single assignment or performance rating. The Board should give full credit for demonstrated competencies, fulfilled responsibilities, and documented achievements. Should a period of performance not be covered by a performance appraisal, the Senior Selection Board should not discount the individual's overall standing in any way, but should assume that the individual would have received a rating fully comparable to those already in the performance file.

25.40 Policy, Procedures, and Criteria Governing LCE's

a. General Policy

1. An LCE will rarely be granted and only for compelling Agency needs. A career member should not expect to receive an LCE. Only career members of the Senior Foreign Service and Class 1 who are in their last year of TIC/TIS and who are not selected for promotion are eligible for consideration for an LCE.
2. The Secretary of Agriculture delegates to the Administrator/FAS the authority to grant LCE's. Under this authority, the Administrator/FAS determines the Agency's need for each LCE and selects, in rank order from the list provided by the Selection Board, each individual who will be granted an LCE. The Administrator will weigh the following criteria when deciding to grant an LCE:
 - (a) the importance to the Agency of retaining a specific skill(s),

determined prior to paneling the Selection Board;

- (b) the impact of an LCE on promotional opportunities in the SFS and Class 1; and
 - (c) the need to provide a regular and predictable flow through the ranks of the Foreign Service.
- 3. The number of LCEs the Agency may require and a written description of the associated skill(s) will be included in the Safeguard Envelope provided by the Administrator/FAS to AFSA prior to the convening of the Boards.
- 4. Each LCE will be for no more than two (2) years in duration. No LCE recipient is eligible for promotion but a recipient is eligible for performance pay and awards. No career member may serve under any combination of LCE's that exceeds five (5) years.
- 5. Career members who are not granted an LCE will be retired under the provisions of Section 609 of the Act. The SPO establishes the retirement date. For career members serving in Presidential appointments, the date of retirement is effected upon completion of service in such appointments. The Administrator/FAS may, in compelling circumstances, postpone the date of retirement due to TIC/TIS limits for a period not to exceed one (1) year from the original TIC/TIS date.
- b. Procedures
 - 1. Panel A of the Selection Board will review, by class, all SFS career members and Panel B, all Class 1 members eligible for consideration for an LCE.
 - 2. LCE deliberations will commence after the Board has completed its deliberations for promotion, low ranking and selection out. No special Selection Board will be convened to specifically review performance records for LCE consideration. Prior to LCE deliberations, the Board will be briefed on the policy, criteria, and procedures governing LCE's.
 - 3. The SPO will provide the Board with the names of all career members eligible for consideration who have not formally notified the SPO that they do not wish to be considered for an LCE.
 - 4. The Board will review the performance folders of all eligible individuals and, using the criteria provided below, rank order by class, those individuals it deems qualified for an LCE, starting with the most qualified.

5. The Administrator/FAS or, if appropriate, an official higher in the chain of command, will review the Board's recommendations. This official may grant an LCE only to those career members recommended by the Board and only in the rank order established by the Board. Names may be removed from the LCE list only under the conditions established in Section 25.56 below, governing the removal of names from promotion lists.

c. Criteria

1. The Board will apply the same criteria used for promotions. However, recognizing that members granted an LCE will serve only in their present class, the Board will give considerably less weight to evidence of potential to perform at the next higher class and considerably more weight to the quality of performance and potential for continued outstanding service in the class in which the member is being considered for an LCE.
2. The Board will also consider, in particular, the following criteria:
 - (a) Extent to which the career member has demonstrated expertise in the skill(s) associated with an LCE;
 - (b) Extent to which the career member has served in a variety of positions within FAS, both in the United States and abroad, where leadership, executive, and managerial skills were effectively developed/applied, and the need of the Agency to retain those skills; and
 - (c) Extent to which the career member has developed language expertise in one or more foreign languages and has applied those skills in foreign assignments.

25.41 Recertification: The Board will review and evaluate for recertification the performance of SFS career members who have been continuously employed in the SFS for 156 weeks preceding the end of the appraisal cycle. Recertification will be based on 3 years' performance, as intended by the Ethics Reform Act (see Appendix D of this Article).

25.42 Pay Level Adjustments: Pay level adjustments are not automatic. In reviewing career members for pay level adjustments, the Board will consider the quality of continued performance, difficulty of assignments, and the value of the career member's achievements relative to the FAS mission.

25.43 Performance Pay: The Board will determine performance pay in accordance with

procedures outlined in Appendix B of this Article.

ADDITIONAL AUTHORITIES AND RESPONSIBILITIES OF ALL SELECTION BOARDS

25.44 Non-Ratable Individuals

- a. In General, Boards must rate an individual when all periods of the individual's service are covered by performance evaluations and/or long term training reports. The SPO may recommend to the Boards that an individual be deemed non-ratable due to insufficient documentation. Insufficient documentation may include the lack of a current performance appraisal due to LWOP, service as the FAS AFSA VP, or special or medical circumstances which would make it inappropriate for the individual to be rated. It may not include employee failure to submit an appraisal.
- b. When an individual is deemed non-ratable, the individual will receive a one (1) year TIC/TIS extension. In addition, the Boards will provide a written justification for not rating an individual, a copy of which will be transmitted to the individual, in a timely manner.
- c. When a period of performance is not covered by a performance appraisal, the Boards should not discount the individual's overall standing in any way, but should assume that the individual would have received a rating comparable to those already recorded in his/her performance file.

25.45 Board Criticisms and Commendations: The Boards will identify rating and reviewing officials (both Civil Service and Foreign Service) who merit commendation or criticism for the quality of appraisals they prepared in the most recent rating period. The Boards should take special care to identify evaluations where a reviewing official has failed to review adequately the ratings for thoroughness, objectivity, soundness, and compliance with evaluation instructions. In each case where an official is commended or criticized, the Boards will prepare a written statement supporting their determination. Such statements will be sent to the official's supervisor to be used in assessing the performance of the official in carrying out his/her supervisory responsibility. A copy of the statement signed by the Board chair will be sent to the official.

25.46 Special Recommendations: The Boards may make recommendations considered appropriate concerning the individuals under consideration, the materials used in the evaluation process, or improvements to the evaluation and Selection Board process, to the SPO.

BRIEFINGS AND MATERIALS FOR THE BOARDS

- 25.47 Representatives of the SPO will guide the Boards on technical procedures to be followed. The Boards will address all queries regarding their work only to a designated SPO representative.
- 25.48 An AFSA representative will be invited to attend the general briefing session for all Board members.
- 25.49 Board members will be provided the following:
- a. a set of Precepts;
 - b. the performance folder of each individual to be reviewed;
 - c. instructions relating to the scoring procedures of the Board;
 - d. an alphabetical list by class of all individuals to be reviewed by the Board;
 - e. a biographical sketch of each individual to be reviewed; and
 - f. an organizational chart and functional statement of FAS.
- 25.50 The Boards' recommendations will be based solely on material officially part of the individual's performance folder. It should not give undue weight to any single performance appraisal. A Board member may not bring to the Board's attention personal knowledge of an individual except for information relevant to the individual's performance or potential and then only by means of a signed memorandum. A copy of the memorandum shall be forwarded promptly to permit the individual to comment on it before the Board completes its deliberations, but such completion will not be delayed pending the receipt of comment. A copy of the memorandum and the individual's comments, if any, will be placed in the performance folder but, only for the current Board session. After the session, it will be removed and made part of the Board's official findings.
- 25.51 Folders of some individuals who entered the Foreign Service after prior service in another Foreign Affairs Agency or whose service was interrupted, may in some instances contain information from previous periods of Government employment or may in other cases be relatively lacking in evidence of extended past performance. Individuals should not be disadvantaged because of such variations in their performance folders or because information concerning earlier work experience may be lacking.

- 25.52 Board members shall neither seek nor receive any information on individuals other than that which has been properly included in the performance folder.

BOARD SUBMISSIONS

- 25.53 Submission of Findings: Each Board's findings will be forwarded to the SPO under cover of a transmittal letter signed by Board members. The SPO may accept the Boards' findings or return them for reconsideration if there are any questions regarding procedures used by the Boards or conformity with Foreign Service Precepts. If returned, the SPO will state to the Board Chairperson the reasons reconsideration is required and make recommendations as appropriate.
- 25.54 Submission of Recommendations Concerning Board Policies, Procedures, and Materials: Each Panel Chairperson will submit such recommendations, as appropriate, in writing to the SPO. Management will implement those recommendations it approves and provide the Chairperson a written document, with a copy to AFSA, of all modified policies, procedures, and materials. If the Chairperson so requests, Management will discuss its reasons for rejecting any recommendation.

OTHER

- 25.55 Disclosure of Rank Order: To assist individuals with career planning and training, individuals who so request from the SPO will be provided their class ranking within one of the following percentiles: upper third; middle third; or lower third.
- 25.56 Temporary or Permanent Removal of Names from Promotion Lists: The procedures governing the removal of names from promotion lists, as authorized by Section 605 of the FS Act, are as follows:
- a. At any time prior to the forwarding to the President of a promotion list of career members in class 1 and of the Senior Foreign Service, or at any time prior to the effective date of a promotion list of other individuals, the SPO may recommend to the Administrator/FAS the temporary exclusion from such a list of any individuals, if the SPO determines on the basis of notification by an appropriate office that reason exists to believe such promotion would be inconsistent with the national interest or the efficiency of the Foreign Service. Such reasons must be based upon written documentation of either:
 1. Issues of loyalty, security, misconduct, suitability, or malfeasance; or
 2. Indications that documentation available to the Board regarding the individual's performance may have been significantly inaccurate or incomplete.

- b. The SPO will inform the individual concerned, in writing, of the action taken and will initiate, pursue, or monitor such inquiry, investigation, or proceedings as is appropriate to the issue giving rise to the removal. The individual will be given the opportunity to submit whatever information or documents he/she believes are pertinent to the case. Upon disposition or resolution of the issue, the SPO will take one of the following actions:
 - 1. Order the inclusion of the name on the promotion list, with retroactive effective date; or,
 - 2. Make permanent the exclusion from the promotion list and inform the concerned individual in writing of the final action.